

1                   A bill to be entitled  
2           An act relating to school choice; amending s. 1002.33,  
3           F.S.; making technical changes relating to  
4           requirements for the creation of a virtual charter  
5           school; conforming cross-references; specifying that a  
6           sponsor may not require a charter school to adopt the  
7           sponsor's reading plan and that charter schools are  
8           eligible for the research-based reading allocation if  
9           certain criteria are met; revising required contents  
10          of charter school applications; conforming provisions  
11          regarding the appeal process for denial of a high-  
12          performing charter school application; requiring an  
13          applicant to provide the sponsor with a copy of an  
14          appeal to an application denial; authorizing a charter  
15          school to defer the opening of its operations for up  
16          to a specified time; requiring the charter school to  
17          provide written notice to certain entities by a  
18          specified date; revising provisions relating to long-  
19          term charters and charter terminations; specifying  
20          notice requirements for voluntary closure of a charter  
21          school; deleting a requirement that students in a  
22          blended learning course receive certain instruction in  
23          a classroom setting; providing that a student may not  
24          be dismissed from a charter school based on his or her  
25          academic performance; requiring a charter school  
26          applicant to provide monthly financial statements

27 before opening; requiring a sponsor to review each  
28 financial statement of a charter school to identify  
29 the existence of certain conditions; providing for the  
30 automatic termination of a charter contract if certain  
31 conditions are met; requiring a sponsor to notify  
32 certain parties when a charter contract is terminated  
33 for specific reasons; authorizing governing board  
34 members to hold a certain number of public meetings  
35 and participate in such meetings in person or through  
36 communications media technology; revising charter  
37 school student eligibility requirements; revising  
38 requirements for payments to charter schools; allowing  
39 for the use of certain surpluses and assets by  
40 specific entities for certain educational purposes;  
41 providing for an injunction under certain  
42 circumstances; establishing the administrative fee  
43 that a sponsor may withhold for charter schools  
44 operating in a critical need area; providing an  
45 exemption from certain administrative fees; amending  
46 s. 1002.331, F.S.; providing an exemption from the  
47 replication limitations for a high-performing charter  
48 school; conforming a cross-reference; deleting  
49 obsolete provisions; providing deadlines for a high-  
50 performing charter contract renewal; providing for an  
51 appeal to an administrative law judge under certain  
52 circumstances; creating s. 1002.333, F.S.; providing

53 definitions; establishing a High Impact Charter  
54 Network status for charter school operators serving  
55 educationally disadvantaged students; defining  
56 eligibility criteria; authorizing charter operators  
57 holding the High Impact Charter Network status to  
58 submit applications for charter schools in certain  
59 areas; exempting certain charter schools from  
60 specified fees; requiring the department to give  
61 priority to certain charter schools applying for  
62 specified grants; prohibiting the use of certain  
63 school grades when determining areas of critical need;  
64 providing for rulemaking; amending s. 1002.37, F.S.;  
65 revising the calculation of "full-time equivalent  
66 student"; conforming a cross-reference; amending s.  
67 1002.45, F.S.; conforming a cross-reference; deleting  
68 a provision related to educational funding for  
69 students enrolled in certain virtual education  
70 courses; revising conditions for termination of a  
71 virtual instruction provider's contract; repealing s.  
72 1002.455, F.S., relating to student eligibility for K-  
73 12 virtual instruction; amending s. 1003.4295, F.S.;  
74 revising the purpose of the Credit Acceleration  
75 Program; requiring students to earn passing scores on  
76 specified assessments and examinations to earn course  
77 credit; amending s. 1003.498, F.S.; deleting a  
78 requirement that students in a blended learning course

79 must receive certain instruction in a classroom  
 80 setting; conforming a cross-reference; amending s.  
 81 1011.61, F.S.; revising the definition of "full-time  
 82 equivalent student"; amending s. 1011.62, F.S.;  
 83 conforming a cross-reference; amending s. 1012.56,  
 84 F.S.; authorizing a charter school to develop and  
 85 operate a professional development certification and  
 86 education competency program; amending s. 1013.62,  
 87 F.S.; revising eligibility requirements for charter  
 88 school capital outlay funding; revising charter school  
 89 funding allocations; providing an effective date.

90

91 Be It Enacted by the Legislature of the State of Florida:

92

93 Section 1. Subsection (1), paragraph (a) of subsection  
 94 (2), paragraphs (a) and (b) of subsection (6), paragraphs (a)  
 95 and (d) of subsection (7), paragraphs (g), (n), and (p) of  
 96 subsection (9), paragraphs (a) and (d) of subsection (10),  
 97 subsection (13), paragraphs (b) and (e) of subsection (17),  
 98 paragraph (a) of subsection (18), and paragraph (a) of  
 99 subsection (20) of section 1002.33, Florida Statutes, are  
 100 amended to read:

101 1002.33 Charter schools.—

102 (1) AUTHORIZATION.—Charter schools shall be part of the  
 103 state's program of public education. All charter schools in  
 104 Florida are public schools. A charter school may be formed by

105 creating a new school or converting an existing public school to  
106 charter status. A charter school may operate a virtual charter  
107 school pursuant to s. 1002.45(1)(d) to provide full-time online  
108 instruction to eligible students, ~~pursuant to s. 1002.455,~~ in  
109 kindergarten through grade 12. An existing ~~A~~ charter school that  
110 is seeking to become a virtual charter school must amend its  
111 charter or submit a new application pursuant to subsection (6)  
112 to become a virtual charter school. A virtual charter school is  
113 subject to the requirements of this section; however, a virtual  
114 charter school is exempt from subsections (18) and (19),  
115 subparagraphs (20)(a)2., 4., 5., and 7., paragraph (20)(c), and  
116 s. 1003.03. A public school may not use the term charter in its  
117 name unless it has been approved under this section.

118 (2) GUIDING PRINCIPLES; PURPOSE.—

119 (a) Charter schools in Florida shall be guided by the  
120 following principles:

121 1. Meet high standards of student achievement while  
122 providing parents flexibility to choose among diverse  
123 educational opportunities within the state's public school  
124 system.

125 2. Promote enhanced academic success and financial  
126 efficiency by aligning responsibility with accountability.

127 3. Provide parents with sufficient information on whether  
128 their child is reading at grade level and whether the child  
129 gains at least a year's worth of learning for every year spent  
130 in the charter school. For a student who exhibits a substantial

131 deficiency in reading, as determined by the charter school, the  
132 school shall notify the parent of the deficiency, the intensive  
133 interventions and supports used, and the student's progress in  
134 accordance with s. 1008.25(5).

135 (6) APPLICATION PROCESS AND REVIEW.—Charter school  
136 applications are subject to the following requirements:

137 (a) A person or entity seeking ~~wishing~~ to open a charter  
138 school shall prepare and submit an application on a model  
139 application form prepared by the Department of Education which:

140 1. Demonstrates how the school will use the guiding  
141 principles and meet the statutorily defined purpose of a charter  
142 school.

143 2. Provides a detailed curriculum plan that illustrates  
144 how students will be provided services to attain the Sunshine  
145 State Standards.

146 3. Contains goals and objectives for improving student  
147 learning and measuring that improvement. These goals and  
148 objectives must indicate how much academic improvement students  
149 are expected to show each year, how success will be evaluated,  
150 and the specific results to be attained through instruction.

151 4. Describes the reading curriculum and differentiated  
152 strategies that will be used for students reading at grade level  
153 or higher and a separate curriculum and strategies for students  
154 who are reading below grade level. A sponsor shall deny an  
155 application ~~a charter~~ if the school does not propose a reading  
156 curriculum that is evidence-based and includes explicit,

157 systematic, and multisensory reading instructional strategies;  
158 however, a sponsor may not require the charter school to  
159 implement the reading plan adopted by the school district  
160 pursuant to s. 1011.62(9) ~~consistent with effective teaching~~  
161 ~~strategies that are grounded in scientifically based reading~~  
162 ~~research.~~

163 5. Contains an annual financial plan for each year  
164 requested by the charter for operation of the school for up to 5  
165 years. This plan must contain anticipated fund balances based on  
166 revenue projections, a spending plan based on projected revenues  
167 and expenses, and a description of controls that will safeguard  
168 finances and projected enrollment trends.

169 6. Discloses the name of each applicant, governing board  
170 member, and all proposed education services providers; the name  
171 and sponsor of any charter school operated by each applicant,  
172 each governing board member, and each proposed education  
173 services provider that has closed and the reasons for the  
174 closure; and the academic and financial history of such charter  
175 schools, which the sponsor shall consider in deciding whether to  
176 approve or deny the application.

177 ~~7.6.~~ Contains additional information a sponsor may  
178 require, which shall be attached as an addendum to the charter  
179 school application described in this paragraph.

180 ~~8.7.~~ For the establishment of a virtual charter school,  
181 documents that the applicant has contracted with a provider of  
182 virtual instruction services pursuant to s. 1002.45(1)(d).

183 (b) A sponsor shall receive and review all applications  
184 for a charter school using the ~~an~~ evaluation instrument  
185 developed by the Department of Education. A sponsor shall  
186 receive and consider charter school applications received on or  
187 before August 1 of each calendar year for charter schools to be  
188 opened at the beginning of the school district's next school  
189 year, or to be opened at a time agreed to by the applicant and  
190 the sponsor. A sponsor may not refuse to receive a charter  
191 school application submitted before August 1 and may receive an  
192 application submitted later than August 1 if it chooses. In  
193 order to facilitate greater collaboration in the application  
194 process, an applicant may submit a draft charter school  
195 application on or before May 1 with an application fee of \$500.  
196 If a draft application is timely submitted, the sponsor shall  
197 review and provide feedback as to material deficiencies in the  
198 application by July 1. The applicant shall then have until  
199 August 1 to resubmit a revised and final application. The  
200 sponsor may approve the draft application. Except as provided  
201 for a draft application, a sponsor may not charge an applicant  
202 for a charter any fee for the processing or consideration of an  
203 application, and a sponsor may not base its consideration or  
204 approval of a final application upon the promise of future  
205 payment of any kind. Before approving or denying any final  
206 application, the sponsor shall allow the applicant, upon receipt  
207 of written notification, at least 7 calendar days to make  
208 technical or nonsubstantive corrections and clarifications,



209 including, but not limited to, corrections of grammatical,  
210 typographical, and like errors or missing signatures, if such  
211 errors are identified by the sponsor as cause to deny the final  
212 application.

213 1. In order to facilitate an accurate budget projection  
214 process, a sponsor shall be held harmless for FTE students who  
215 are not included in the FTE projection due to approval of  
216 charter school applications after the FTE projection deadline.  
217 In a further effort to facilitate an accurate budget projection,  
218 within 15 calendar days after receipt of a charter school  
219 application, a sponsor shall report to the Department of  
220 Education the name of the applicant entity, the proposed charter  
221 school location, and its projected FTE.

222 2. In order to ensure fiscal responsibility, an  
223 application for a charter school shall include a full accounting  
224 of expected assets, a projection of expected sources and amounts  
225 of income, including income derived from projected student  
226 enrollments and from community support, and an expense  
227 projection that includes full accounting of the costs of  
228 operation, including start-up costs.

229 3.a. A sponsor shall by a majority vote approve or deny an  
230 application no later than 60 calendar days after the application  
231 is received, unless the sponsor and the applicant mutually agree  
232 in writing to temporarily postpone the vote to a specific date,  
233 at which time the sponsor shall by a majority vote approve or  
234 deny the application. If the sponsor fails to act on the

235 application, an applicant may appeal to the State Board of  
236 Education as provided in paragraph (c). If an application is  
237 denied, the sponsor shall, within 10 calendar days after such  
238 denial, articulate in writing the specific reasons, based upon  
239 good cause, supporting its denial of the ~~charter~~ application and  
240 shall provide the letter of denial and supporting documentation  
241 to the applicant and to the Department of Education.

242 b. An application submitted by a high-performing charter  
243 school identified pursuant to s. 1002.331 may be denied by the  
244 sponsor only if the sponsor demonstrates by clear and convincing  
245 evidence that:

246 (I) The application does not materially comply with the  
247 requirements in paragraph (a);

248 (II) The charter school proposed in the application does  
249 not materially comply with the requirements in paragraphs  
250 (9) (a) - (f);

251 (III) The proposed charter school's educational program  
252 does not substantially replicate that of the applicant or one of  
253 the applicant's high-performing charter schools;

254 (IV) The applicant has made a material misrepresentation  
255 or false statement or concealed an essential or material fact  
256 during the application process; or

257 (V) The proposed charter school's educational program and  
258 financial management practices do not materially comply with the  
259 requirements of this section.

260

261 Material noncompliance is a failure to follow requirements or a  
262 violation of prohibitions applicable to charter school  
263 applications, which failure is quantitatively or qualitatively  
264 significant either individually or when aggregated with other  
265 noncompliance. An applicant is considered to be replicating a  
266 high-performing charter school if the proposed school is  
267 substantially similar to at least one of the applicant's high-  
268 performing charter schools and the organization or individuals  
269 involved in the establishment and operation of the proposed  
270 school are significantly involved in the operation of replicated  
271 schools.

272 c. If the sponsor denies an application submitted by a  
273 high-performing charter school, the sponsor must, within 10  
274 calendar days after such denial, state in writing the specific  
275 reasons, based upon the criteria in sub-subparagraph b.,  
276 supporting its denial of the application and must provide the  
277 letter of denial and supporting documentation to the applicant  
278 and to the Department of Education. The applicant may appeal the  
279 sponsor's denial of the application directly to the State Board  
280 of Education and, if an appeal is filed, must provide a copy of  
281 the appeal to the sponsor pursuant to paragraph (c) ~~sub-~~  
282 subparagraph (c)3.b.

283 4. For budget projection purposes, the sponsor shall  
284 report to the Department of Education the approval or denial of  
285 an a-charter application within 10 calendar days after such  
286 approval or denial. In the event of approval, the report to the

287 Department of Education shall include the final projected FTE  
288 for the approved charter school.

289 5. Upon approval of an ~~a charter~~ application, the initial  
290 startup shall commence with the beginning of the public school  
291 calendar for the district in which the charter is granted. A  
292 charter school may defer the opening of the school's operations  
293 for up to 2 years to provide time for adequate facility  
294 planning. The charter school must provide written notice of such  
295 intent to the sponsor and the parents of enrolled students at  
296 least 30 calendar days before the first day of school ~~unless the~~  
297 ~~sponsor allows a waiver of this subparagraph for good cause.~~

298 (7) CHARTER.—The major issues involving the operation of a  
299 charter school shall be considered in advance and written into  
300 the charter. The charter shall be signed by the governing board  
301 of the charter school and the sponsor, following a public  
302 hearing to ensure community input.

303 (a) The charter shall address and criteria for approval of  
304 the charter shall be based on:

305 1. The school's mission, the students to be served, and  
306 the ages and grades to be included.

307 2. The focus of the curriculum, the instructional methods  
308 to be used, any distinctive instructional techniques to be  
309 employed, and identification and acquisition of appropriate  
310 technologies needed to improve educational and administrative  
311 performance which include a means for promoting safe, ethical,  
312 and appropriate uses of technology which comply with legal and

313 professional standards.

314 a. The charter shall ensure that reading is a primary  
315 focus of the curriculum and that resources are provided to  
316 identify and provide specialized instruction for students who  
317 are reading below grade level. The curriculum and instructional  
318 strategies for reading must be consistent with the Next  
319 Generation Sunshine State Standards and evidence-based ~~grounded~~  
320 ~~in scientifically based reading research.~~

321 b. In order to provide students with access to diverse  
322 instructional delivery models, to facilitate the integration of  
323 technology within traditional classroom instruction, and to  
324 provide students with the skills they need to compete in the  
325 21st century economy, the Legislature encourages instructional  
326 methods for blended learning courses consisting of both  
327 traditional classroom and online instructional techniques.  
328 Charter schools may implement blended learning courses which  
329 combine traditional classroom instruction and virtual  
330 instruction. Students in a blended learning course must be full-  
331 time students of the charter school pursuant to s.  
332 1011.61(1)(a)1. ~~and receive the online instruction in a~~  
333 ~~classroom setting at the charter school.~~ Instructional personnel  
334 certified pursuant to s. 1012.55 who provide virtual instruction  
335 for blended learning courses may be employees of the charter  
336 school or may be under contract to provide instructional  
337 services to charter school students. At a minimum, such  
338 instructional personnel must hold an active state or school

339 district adjunct certification under s. 1012.57 for the subject  
340 area of the blended learning course. The funding and performance  
341 accountability requirements for blended learning courses are the  
342 same as those for traditional courses.

343 3. The current incoming baseline standard of student  
344 academic achievement, the outcomes to be achieved, and the  
345 method of measurement that will be used. The criteria listed in  
346 this subparagraph shall include a detailed description of:

347 a. How the baseline student academic achievement levels  
348 and prior rates of academic progress will be established.

349 b. How these baseline rates will be compared to rates of  
350 academic progress achieved by these same students while  
351 attending the charter school.

352 c. To the extent possible, how these rates of progress  
353 will be evaluated and compared with rates of progress of other  
354 closely comparable student populations.

355

356 The district school board is required to provide academic  
357 student performance data to charter schools for each of their  
358 students coming from the district school system, as well as  
359 rates of academic progress of comparable student populations in  
360 the district school system.

361 4. The methods used to identify the educational strengths  
362 and needs of students and how well educational goals and  
363 performance standards are met by students attending the charter  
364 school. The methods shall provide a means for the charter school

365 to ensure accountability to its constituents by analyzing  
366 student performance data and by evaluating the effectiveness and  
367 efficiency of its major educational programs. Students in  
368 charter schools shall, at a minimum, participate in the  
369 statewide assessment program created under s. 1008.22.

370 5. In secondary charter schools, a method for determining  
371 that a student has satisfied the requirements for graduation in  
372 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

373 6. A method for resolving conflicts between the governing  
374 board of the charter school and the sponsor.

375 7. The admissions procedures and dismissal procedures,  
376 including the school's code of student conduct. Admission or  
377 dismissal must not be based on a student's academic performance.

378 8. The ways by which the school will achieve a  
379 racial/ethnic balance reflective of the community it serves or  
380 within the racial/ethnic range of other public schools in the  
381 same school district.

382 9. The financial and administrative management of the  
383 school, including a reasonable demonstration of the professional  
384 experience or competence of those individuals or organizations  
385 applying to operate the charter school or those hired or  
386 retained to perform such professional services and the  
387 description of clearly delineated responsibilities and the  
388 policies and practices needed to effectively manage the charter  
389 school. A description of internal audit procedures and  
390 establishment of controls to ensure that financial resources are

391 properly managed must be included. Both public sector and  
392 private sector professional experience shall be equally valid in  
393 such a consideration.

394 10. The asset and liability projections required in the  
395 application which are incorporated into the charter and shall be  
396 compared with information provided in the annual report of the  
397 charter school.

398 11. A description of procedures that identify various  
399 risks and provide for a comprehensive approach to reduce the  
400 impact of losses; plans to ensure the safety and security of  
401 students and staff; plans to identify, minimize, and protect  
402 others from violent or disruptive student behavior; and the  
403 manner in which the school will be insured, including whether or  
404 not the school will be required to have liability insurance,  
405 and, if so, the terms and conditions thereof and the amounts of  
406 coverage.

407 12. The term of the charter which shall provide for  
408 cancellation of the charter if insufficient progress has been  
409 made in attaining the student achievement objectives of the  
410 charter and if it is not likely that such objectives can be  
411 achieved before expiration of the charter. The initial term of a  
412 charter shall be for 4 or 5 years. In order to facilitate access  
413 to long-term financial resources for charter school  
414 construction, charter schools that are operated by a  
415 municipality or other public entity as provided by law are  
416 eligible for up to a 15-year charter, subject to approval by the



417 district school board. A charter lab school is eligible for a  
418 charter for a term of up to 15 years. In addition, to facilitate  
419 access to long-term financial resources for charter school  
420 construction, charter schools that are operated by a private,  
421 not-for-profit, s. 501(c)(3) status corporation are eligible for  
422 up to a 15-year charter, subject to approval by the district  
423 school board. Such long-term charters remain subject to annual  
424 review and may be terminated during the term of the charter, but  
425 only according to the provisions set forth in subsection (8).

426 13. The facilities to be used and their location. The  
427 sponsor may not require a charter school to have a certificate  
428 of occupancy or a temporary certificate of occupancy for such a  
429 facility earlier than 15 calendar days before the first day of  
430 school.

431 14. The qualifications to be required of the teachers and  
432 the potential strategies used to recruit, hire, train, and  
433 retain qualified staff to achieve best value.

434 15. The governance structure of the school, including the  
435 status of the charter school as a public or private employer as  
436 required in paragraph (12)(i).

437 16. A timetable for implementing the charter which  
438 addresses the implementation of each element thereof and the  
439 date by which the charter shall be awarded in order to meet this  
440 timetable.

441 17. In the case of an existing public school that is being  
442 converted to charter status, alternative arrangements for

443 current students who choose not to attend the charter school and  
444 for current teachers who choose not to teach in the charter  
445 school after conversion in accordance with the existing  
446 collective bargaining agreement or district school board rule in  
447 the absence of a collective bargaining agreement. However,  
448 alternative arrangements shall not be required for current  
449 teachers who choose not to teach in a charter lab school, except  
450 as authorized by the employment policies of the state university  
451 which grants the charter to the lab school.

452 18. Full disclosure of the identity of all relatives  
453 employed by the charter school who are related to the charter  
454 school owner, president, chairperson of the governing board of  
455 directors, superintendent, governing board member, principal,  
456 assistant principal, or any other person employed by the charter  
457 school who has equivalent decisionmaking authority. For the  
458 purpose of this subparagraph, the term "relative" means father,  
459 mother, son, daughter, brother, sister, uncle, aunt, first  
460 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
461 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
462 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
463 stepsister, half brother, or half sister.

464 19. Implementation of the activities authorized under s.  
465 1002.331 by the charter school when it satisfies the eligibility  
466 requirements for a high-performing charter school. A high-  
467 performing charter school shall notify its sponsor in writing by  
468 March 1 if it intends to increase enrollment or expand grade

469 levels the following school year. The written notice shall  
470 specify the amount of the enrollment increase and the grade  
471 levels that will be added, as applicable.

472 (d)1. A charter may be terminated by a charter school's  
473 governing board through voluntary closure. The decision to cease  
474 operations must be determined at a public meeting. The governing  
475 board shall notify the parents and sponsor of the public meeting  
476 in writing before the public meeting. The governing board must  
477 notify the sponsor, parents of enrolled students, and the  
478 department in writing within 24 hours after the public meeting  
479 of its determination. The notice shall state the charter  
480 school's intent to continue operations or the reason for the  
481 closure and acknowledge that the governing board agrees to  
482 follow the procedures for dissolution and reversion of public  
483 funds pursuant to paragraphs (8) (e)-(g) and (9) (o) ~~Each charter~~  
484 ~~school's governing board must appoint a representative to~~  
485 ~~facilitate parental involvement, provide access to information,~~  
486 ~~assist parents and others with questions and concerns, and~~  
487 ~~resolve disputes. The representative must reside in the school~~  
488 ~~district in which the charter school is located and may be a~~  
489 ~~governing board member, charter school employee, or individual~~  
490 ~~contracted to represent the governing board. If the governing~~  
491 ~~board oversees multiple charter schools in the same school~~  
492 ~~district, the governing board must appoint a separate individual~~  
493 ~~representative for each charter school in the district. The~~  
494 ~~representative's contact information must be provided annually~~

495 ~~in writing to parents and posted prominently on the charter~~  
496 ~~school's website if a website is maintained by the school. The~~  
497 ~~sponsor may not require that governing board members reside in~~  
498 ~~the school district in which the charter school is located if~~  
499 ~~the charter school complies with this paragraph.~~

500 ~~2. Each charter school's governing board must hold at~~  
501 ~~least two public meetings per school year in the school~~  
502 ~~district. The meetings must be noticed, open, and accessible to~~  
503 ~~the public, and attendees must be provided an opportunity to~~  
504 ~~receive information and provide input regarding the charter~~  
505 ~~school's operations. The appointed representative and charter~~  
506 ~~school principal or director, or his or her equivalent, must be~~  
507 ~~physically present at each meeting.~~

508 (9) CHARTER SCHOOL REQUIREMENTS.—

509 (g)1. In order to provide financial information that is  
510 comparable to that reported for other public schools, charter  
511 schools are to maintain all financial records that constitute  
512 their accounting system:

513 a. In accordance with the accounts and codes prescribed in  
514 the most recent issuance of the publication titled "Financial  
515 and Program Cost Accounting and Reporting for Florida Schools";  
516 or

517 b. At the discretion of the charter school's governing  
518 board, a charter school may elect to follow generally accepted  
519 accounting standards for not-for-profit organizations, but must  
520 reformat this information for reporting according to this

521 paragraph.

522         2. Charter schools shall provide annual financial report  
523 and program cost report information in the state-required  
524 formats for inclusion in district reporting in compliance with  
525 s. 1011.60(1). Charter schools that are operated by a  
526 municipality or are a component unit of a parent nonprofit  
527 organization may use the accounting system of the municipality  
528 or the parent but must reformat this information for reporting  
529 according to this paragraph.

530         3. A charter school shall, upon approval of the charter  
531 contract, provide the sponsor with a concise, uniform, monthly  
532 financial statement summary sheet that contains a balance sheet  
533 and a statement of revenue, expenditures, and changes in fund  
534 balance. The balance sheet and the statement of revenue,  
535 expenditures, and changes in fund balance shall be in the  
536 governmental funds format prescribed by the Governmental  
537 Accounting Standards Board. A high-performing charter school  
538 pursuant to s. 1002.331 may provide a quarterly financial  
539 statement in the same format and requirements as the uniform  
540 monthly financial statement summary sheet. The sponsor shall  
541 review each monthly or quarterly financial statement to identify  
542 the existence of any conditions identified in s. 1002.345(1)(a).

543         4. A charter school shall maintain and provide financial  
544 information as required in this paragraph. The financial  
545 statement required in subparagraph 3. must be in a form  
546 prescribed by the Department of Education.

547 (n)1. The director and a representative of the governing  
548 board of a charter school that has earned a grade of "D" or "F"  
549 pursuant to s. 1008.34 shall appear before the sponsor to  
550 present information concerning each contract component having  
551 noted deficiencies. The director and a representative of the  
552 governing board shall submit to the sponsor for approval a  
553 school improvement plan to raise student performance. Upon  
554 approval by the sponsor, the charter school shall begin  
555 implementation of the school improvement plan. The department  
556 shall offer technical assistance and training to the charter  
557 school and its governing board and establish guidelines for  
558 developing, submitting, and approving such plans.

559 2.a. If a charter school earns three consecutive grades of  
560 "D," two consecutive grades of "D" followed by a grade of "F,"  
561 or two nonconsecutive grades of "F" within a 3-year period, the  
562 charter school governing board shall choose one of the following  
563 corrective actions:

564 (I) Contract for educational services to be provided  
565 directly to students, instructional personnel, and school  
566 administrators, as prescribed in state board rule;

567 (II) Contract with an outside entity that has a  
568 demonstrated record of effectiveness to operate the school;

569 (III) Reorganize the school under a new director or  
570 principal who is authorized to hire new staff; or

571 (IV) Voluntarily close the charter school.

572 b. The charter school must implement the corrective action

573 in the school year following receipt of a third consecutive  
574 grade of "D," a grade of "F" following two consecutive grades of  
575 "D," or a second nonconsecutive grade of "F" within a 3-year  
576 period.

577 c. The sponsor may annually waive a corrective action if  
578 it determines that the charter school is likely to improve a  
579 letter grade if additional time is provided to implement the  
580 intervention and support strategies prescribed by the school  
581 improvement plan. Notwithstanding this sub-subparagraph, a  
582 charter school that earns a second consecutive grade of "F" is  
583 subject to subparagraph 4.

584 d. A charter school is no longer required to implement a  
585 corrective action if it improves by at least one letter grade.  
586 However, the charter school must continue to implement  
587 strategies identified in the school improvement plan. The  
588 sponsor must annually review implementation of the school  
589 improvement plan to monitor the school's continued improvement  
590 pursuant to subparagraph 5.

591 e. A charter school implementing a corrective action that  
592 does not improve by at least one letter grade after 2 full  
593 school years of implementing the corrective action must select a  
594 different corrective action. Implementation of the new  
595 corrective action must begin in the school year following the  
596 implementation period of the existing corrective action, unless  
597 the sponsor determines that the charter school is likely to  
598 improve a letter grade if additional time is provided to

599 implement the existing corrective action. Notwithstanding this  
600 sub-subparagraph, a charter school that earns a second  
601 consecutive grade of "F" while implementing a corrective action  
602 is subject to subparagraph 4.

603 3. A charter school with a grade of "D" or "F" that  
604 improves by at least one letter grade must continue to implement  
605 the strategies identified in the school improvement plan. The  
606 sponsor must annually review implementation of the school  
607 improvement plan to monitor the school's continued improvement  
608 pursuant to subparagraph 5.

609 4. A charter school's charter contract is automatically  
610 terminated if the school earns two consecutive grades of "F"  
611 after all school grade appeals are final ~~The sponsor shall~~  
612 ~~terminate a charter if the charter school earns two consecutive~~  
613 ~~grades of "F" unless:~~

614 a. The charter school is established to turn around the  
615 performance of a district public school pursuant to s.  
616 1008.33(4)(b)3. Such charter schools shall be governed by s.  
617 1008.33;

618 b. The charter school serves a student population the  
619 majority of which resides in a school zone served by a district  
620 public school that earned a grade of "F" in the year before the  
621 charter school opened and the charter school earns at least a  
622 grade of "D" in its third year of operation. The exception  
623 provided under this sub-subparagraph does not apply to a charter  
624 school in its fourth year of operation and thereafter; or



625 c. The state board grants the charter school a waiver of  
626 termination. The charter school must request the waiver within  
627 15 days after the department's official release of school  
628 grades. The state board may waive termination if the charter  
629 school demonstrates that the Learning Gains of its students on  
630 statewide assessments are comparable to or better than the  
631 Learning Gains of similarly situated students enrolled in nearby  
632 district public schools. The waiver is valid for 1 year and may  
633 only be granted once. Charter schools that have been in  
634 operation for more than 5 years are not eligible for a waiver  
635 under this sub-subparagraph.

636  
637 The sponsor shall notify the charter school's governing board,  
638 the charter school principal, and the department in writing when  
639 a charter contract is terminated under this subparagraph. The  
640 letter of termination must meet the requirements of paragraph  
641 (8) (c). A charter terminated under this subparagraph must follow  
642 the procedures for dissolution and reversion of public funds  
643 pursuant to paragraphs (8) (e)-(g) and (9) (o).

644 5. The director and a representative of the governing  
645 board of a graded charter school that has implemented a school  
646 improvement plan under this paragraph shall appear before the  
647 sponsor at least once a year to present information regarding  
648 the progress of intervention and support strategies implemented  
649 by the school pursuant to the school improvement plan and  
650 corrective actions, if applicable. The sponsor shall communicate

651 at the meeting, and in writing to the director, the services  
652 provided to the school to help the school address its  
653 deficiencies.

654 6. Notwithstanding any provision of this paragraph except  
655 sub-subparagraphs 4.a.-c., the sponsor may terminate the charter  
656 at any time pursuant to subsection (8).

657 (p)1. Each charter school shall maintain a website that  
658 enables the public to obtain information regarding the school;  
659 the school's academic performance; the names of the governing  
660 board members; the programs at the school; any management  
661 companies, service providers, or education management  
662 corporations associated with the school; the school's annual  
663 budget and its annual independent fiscal audit; the school's  
664 grade pursuant to s. 1008.34; and, on a quarterly basis, the  
665 minutes of governing board meetings.

666 2. Each charter school's governing board must appoint a  
667 representative to facilitate parental involvement, provide  
668 access to information, assist parents and others with questions  
669 and concerns, and resolve disputes. The representative must  
670 reside in the school district in which the charter school is  
671 located and may be a governing board member, a charter school  
672 employee, or an individual contracted to represent the governing  
673 board. If the governing board oversees multiple charter schools  
674 in the same school district, the governing board must appoint a  
675 separate representative for each charter school in the district.  
676 The representative's contact information must be provided

677 annually in writing to parents and posted prominently on the  
678 charter school's website. The sponsor may not require governing  
679 board members to reside in the school district in which the  
680 charter school is located if the charter school complies with  
681 this subparagraph.

682 3. Each charter school's governing board must hold at  
683 least two public meetings per school year in the school district  
684 where the charter school is located. The meetings must be  
685 noticed, open, and accessible to the public, and attendees must  
686 be provided an opportunity to receive information and provide  
687 input regarding the charter school's operations. The appointed  
688 representative and charter school principal or director, or his  
689 or her designee, must be physically present at each meeting.  
690 Members of the governing board may attend in person or by means  
691 of communications media technology used in accordance with rules  
692 adopted by the Administration Commission under s. 120.54(5).

693 (10) ELIGIBLE STUDENTS.—

694 (a) A charter school shall be open to any student covered  
695 in an interdistrict agreement or residing in the school district  
696 in which the charter school is located; however, in the case of  
697 a charter lab school, the charter lab school shall be open to  
698 any student eligible to attend the lab school as provided in s.  
699 1002.32 or who resides in the school district in which the  
700 charter lab school is located. Any eligible student shall be  
701 allowed interdistrict transfer to attend a charter school when  
702 based on good cause. Good cause shall include, but is not

703 limited to, geographic proximity to a charter school in a  
704 neighboring school district. A charter school that has not  
705 reached capacity, as determined by the charter school's  
706 governing board, may be open for enrollment to any student in  
707 the state.

708 (d) A charter school may give enrollment preference to the  
709 following student populations:

710 1. Students who are siblings of a student enrolled in the  
711 charter school.

712 2. Students who are the children of a member of the  
713 governing board of the charter school.

714 3. Students who are the children of an employee of the  
715 charter school.

716 4. Students who are the children of:

717 a. An employee of the business partner of a charter  
718 school-in-the-workplace established under paragraph (15)(b) or a  
719 resident of the municipality in which such charter school is  
720 located; or

721 b. A resident of a municipality that operates a charter  
722 school-in-a-municipality pursuant to paragraph (15)(c) or allows  
723 a charter school to use a school facility or portion of land  
724 owned by the municipality for the operation of the charter  
725 school.

726 5. Students who have successfully completed a voluntary  
727 prekindergarten education program under ss. 1002.51-1002.79  
728 provided by the charter school or the charter school's governing

729 board during the previous year.

730 6. Students who are the children of an active duty member  
731 of any branch of the United States Armed Forces.

732 7. Students who attended or are assigned to failing  
733 schools pursuant to s. 1002.38(2).

734 (13) CHARTER SCHOOL COOPERATIVES.—Charter schools may  
735 enter into cooperative agreements to form charter school  
736 cooperative organizations that may provide ~~the following~~  
737 services to further educational, operational, and administrative  
738 initiatives in which the participating charter schools share  
739 common interests: charter school planning and development,  
740 direct instructional services, and contracts with charter school  
741 governing boards to provide personnel administrative services,  
742 payroll services, human resource management, evaluation and  
743 assessment services, teacher preparation, and professional  
744 development.

745 (17) FUNDING.—Students enrolled in a charter school,  
746 regardless of the sponsorship, shall be funded as if they are in  
747 a basic program or a special program, the same as students  
748 enrolled in other public schools in the school district. Funding  
749 for a charter lab school shall be as provided in s. 1002.32.

750 (b) The basis for the agreement for funding students  
751 enrolled in a charter school shall be the sum of the school  
752 district's operating funds from the Florida Education Finance  
753 Program as provided in s. 1011.62 and the General Appropriations  
754 Act, including gross state and local funds, discretionary

755 lottery funds, and funds from the school district's current  
756 operating discretionary millage levy; divided by total funded  
757 weighted full-time equivalent students in the school district;  
758 multiplied by the weighted full-time equivalent students for the  
759 charter school. Charter schools whose students or programs meet  
760 the eligibility criteria in law are entitled to their  
761 proportionate share of categorical program funds included in the  
762 total funds available in the Florida Education Finance Program  
763 by the Legislature, including transportation, the research-based  
764 reading allocation, and the Florida digital classrooms  
765 allocation. Total funding for each charter school shall be  
766 recalculated during the year to reflect the revised calculations  
767 under the Florida Education Finance Program by the state and the  
768 actual weighted full-time equivalent students reported by the  
769 charter school during the full-time equivalent student survey  
770 periods designated by the Commissioner of Education. Any  
771 unrestricted surplus or unrestricted net assets identified in  
772 the charter school's annual audit may be used for K-12  
773 educational purposes for charter schools within the district  
774 operated by the not-for-profit or municipal entity operating the  
775 charter school with the surplus. Surplus operating funds shall  
776 be used in accordance with s. 1011.62, and surplus capital  
777 outlay funds shall be used in accordance with s. 1013.62(2).

778 (e) District school boards shall make timely and efficient  
779 payment and reimbursement to charter schools, including  
780 processing paperwork required to access special state and

781 federal funding for which they may be eligible. Payments of  
782 funds under paragraph (b) shall be made monthly or twice a  
783 month, beginning with the start of the district school board's  
784 fiscal year. Each payment shall be one-twelfth, or one twenty-  
785 fourth, as applicable, of the total state and local funds  
786 described in paragraph (b) and adjusted as set forth therein.  
787 For the first 2 years of a charter school's operation, if a  
788 minimum of 75 percent of the projected enrollment is entered  
789 into the sponsor's student information system by the first day  
790 of the current month, the district school board shall ~~may~~  
791 distribute funds to the ~~a charter~~ school for the ~~up to 3~~ months  
792 of July through October based on the projected full-time  
793 equivalent student membership of the charter school as submitted  
794 in the approved application. If less than 75 percent of the  
795 projected enrollment is entered into the sponsor's student  
796 information system by the first day of the current month, the  
797 sponsor shall base payments on the actual number of student  
798 enrollment entered into the sponsor's student information  
799 system. Thereafter, the results of full-time equivalent student  
800 membership surveys shall be used in adjusting the amount of  
801 funds distributed monthly to the charter school for the  
802 remainder of the fiscal year. The payments ~~payment~~ shall be  
803 issued no later than 10 working days after the district school  
804 board receives a distribution of state or federal funds or the  
805 date the payment is due pursuant to this subsection. If a  
806 warrant for payment is not issued within 10 working days after

807 receipt of funding by the district school board, the school  
808 district shall pay to the charter school, in addition to the  
809 amount of the scheduled disbursement, interest at a rate of 1  
810 percent per month calculated on a daily basis on the unpaid  
811 balance from the expiration of the 10 working days until such  
812 time as the warrant is issued. The district school board may not  
813 delay payment to a charter school of any portion of the funds  
814 provided in paragraph (b) based on the timing of receipt of  
815 local funds by the district school board.

816 (18) FACILITIES.—

817 (a) A startup charter school shall utilize facilities  
818 which comply with the Florida Building Code pursuant to chapter  
819 553 except for the State Requirements for Educational  
820 Facilities. Conversion charter schools shall utilize facilities  
821 that comply with the State Requirements for Educational  
822 Facilities provided that the school district and the charter  
823 school have entered into a mutual management plan for the  
824 reasonable maintenance of such facilities. The mutual management  
825 plan shall contain a provision by which the district school  
826 board agrees to maintain charter school facilities in the same  
827 manner as its other public schools within the district. Charter  
828 schools, with the exception of conversion charter schools, are  
829 not required to comply, but may choose to comply, with the State  
830 Requirements for Educational Facilities of the Florida Building  
831 Code adopted pursuant to s. 1013.37. The local governing  
832 authority shall not adopt or impose any local building



833 requirements or site-development restrictions, such as parking  
834 and site-size criteria, that are addressed by and more stringent  
835 than those found in the State Requirements for Educational  
836 Facilities of the Florida Building Code. ~~Beginning July 1, 2011,~~  
837 A local governing authority must treat charter schools equitably  
838 in comparison to similar requirements, restrictions, and site  
839 planning processes imposed upon public schools that are not  
840 charter schools. The agency having jurisdiction for inspection  
841 of a facility and issuance of a certificate of occupancy or use  
842 shall be the local municipality or, if in an unincorporated  
843 area, the county governing authority. If an official or employee  
844 of the local governing authority refuses to comply with this  
845 paragraph, the aggrieved school or entity has an immediate right  
846 to bring an action in circuit court to enforce its rights by  
847 injunction. An aggrieved party that receives injunctive relief  
848 may be awarded attorney fees and court costs.

849 (20) SERVICES.—

850 (a)1. A sponsor shall provide certain administrative and  
851 educational services to charter schools. These services shall  
852 include contract management services; full-time equivalent and  
853 data reporting services; exceptional student education  
854 administration services; services related to eligibility and  
855 reporting duties required to ensure that school lunch services  
856 under the federal lunch program, consistent with the needs of  
857 the charter school, are provided by the school district at the  
858 request of the charter school, that any funds due to the charter

859 | school under the federal lunch program be paid to the charter  
860 | school as soon as the charter school begins serving food under  
861 | the federal lunch program, and that the charter school is paid  
862 | at the same time and in the same manner under the federal lunch  
863 | program as other public schools serviced by the sponsor or the  
864 | school district; test administration services, including payment  
865 | of the costs of state-required or district-required student  
866 | assessments; processing of teacher certificate data services;  
867 | and information services, including equal access to student  
868 | information systems that are used by public schools in the  
869 | district in which the charter school is located. Student  
870 | performance data for each student in a charter school,  
871 | including, but not limited to, FCAT scores, standardized test  
872 | scores, previous public school student report cards, and student  
873 | performance measures, shall be provided by the sponsor to a  
874 | charter school in the same manner provided to other public  
875 | schools in the district.

876 |         2. A total administrative fee for the provision of such  
877 | services shall be calculated based upon up to 5 percent of the  
878 | available funds defined in paragraph (17)(b) for all students,  
879 | except that when 75 percent or more of the students enrolled in  
880 | the charter school are exceptional students as defined in s.  
881 | 1003.01(3), the 5 percent of those available funds shall be  
882 | calculated based on unweighted full-time equivalent students.  
883 | However, a sponsor may only withhold up to a 5-percent  
884 | administrative fee for enrollment for up to and including 250

885 students. For charter schools with a population of 251 or more  
886 students, the difference between the total administrative fee  
887 calculation and the amount of the administrative fee withheld  
888 may only be used for capital outlay purposes specified in s.  
889 1013.62(2).

890 3. For high-performing charter schools, as defined in s.  
891 1002.331 ~~ch. 2011-232~~, a sponsor may withhold a total  
892 administrative fee of up to 2 percent for enrollment up to and  
893 including 250 students per school.

894 4. In addition, a sponsor may withhold only up to a 5-  
895 percent administrative fee for enrollment for up to and  
896 including 500 students within a system of charter schools which  
897 meets all of the following:

898 a. Includes both conversion charter schools and  
899 nonconversion charter schools;

900 b. Has all schools located in the same county;

901 c. Has a total enrollment exceeding the total enrollment  
902 of at least one school district in the state;

903 d. Has the same governing board; and

904 e. Does not contract with a for-profit service provider  
905 for management of school operations.

906 5. The difference between the total administrative fee  
907 calculation and the amount of the administrative fee withheld  
908 pursuant to subparagraph 4. may be used for instructional and  
909 administrative purposes as well as for capital outlay purposes  
910 specified in s. 1013.62(2).

911           6. For a high-performing charter school system that also  
912 meets the requirements in subparagraph 4., a sponsor may  
913 withhold a 2-percent administrative fee for enrollments up to  
914 and including 500 students per system.

915           7. Sponsors shall not charge charter schools any  
916 additional fees or surcharges for administrative and educational  
917 services in addition to the maximum 5-percent administrative fee  
918 withheld pursuant to this paragraph.

919           8. The sponsor of a virtual charter school may withhold a  
920 fee of up to 5 percent. The funds shall be used to cover the  
921 cost of services provided under subparagraph 1. and  
922 implementation of the school district's digital classrooms plan  
923 pursuant to s. 1011.62.

924           9. For charter schools that operate in a critical need  
925 area, as defined in s. 1002.333, a sponsor may withhold a total  
926 administrative fee of up to 3 percent for enrollment up to and  
927 including 250 students per school.

928           10. A charter school whose initial application is  
929 submitted under s. 1002.331 and denied by the district school  
930 board is exempt from the administrative fee requirements of this  
931 paragraph.

932           Section 2. Paragraph (e) of subsection (2), paragraph (b)  
933 of subsection (3), and subsections (4) and (5) of section  
934 1002.331, Florida Statutes, are amended to read:

935           1002.331 High-performing charter schools.—

936           (2) A high-performing charter school is authorized to:

937 (e) Receive a modification of its charter to an additional  
938 a term of 15 years or a 15-year charter renewal. The charter may  
939 be modified or renewed for a shorter term at the option of the  
940 high-performing charter school. The sponsor has 30 days after  
941 the charter school receives its high-performing designation to  
942 provide a charter renewal to the charter school. The charter  
943 school and sponsor have 20 days to negotiate and provide notice  
944 of the charter contract for final approval by the sponsor. The  
945 proposed charter contract must be provided to the charter school  
946 at least 7 days before the date of the meeting at which the  
947 charter is scheduled for final approval by the sponsor. A  
948 dispute may be appealed to an administrative law judge appointed  
949 by the Division of Administrative Hearings pursuant to s.  
950 1002.33(6)(h). The charter must be consistent with s.  
951 1002.33(7)(a)19. and (10)(h) and (i), is subject to annual  
952 review by the sponsor, and may be terminated during its term  
953 pursuant to s. 1002.33(8).

954  
955 A high-performing charter school shall notify its sponsor in  
956 writing by March 1 if it intends to increase enrollment or  
957 expand grade levels the following school year. The written  
958 notice shall specify the amount of the enrollment increase and  
959 the grade levels that will be added, as applicable. If a charter  
960 school notifies the sponsor of its intent to expand, the sponsor  
961 shall modify the charter within 90 days to include the new  
962 enrollment maximum and may not make any other changes. The

963 sponsor may deny a request to increase the enrollment of a high-  
964 performing charter school if the commissioner has declassified  
965 the charter school as high-performing. If a high-performing  
966 charter school requests to consolidate multiple charters, the  
967 sponsor has ~~shall have~~ 40 days after receipt of that request to  
968 provide an initial draft charter to the charter school. The  
969 sponsor and charter school has ~~shall have~~ 50 days thereafter to  
970 negotiate and notice the charter contract for final approval by  
971 the sponsor.

972 (3)

973 (b) A high-performing charter school may not establish  
974 more than one charter school within the state under paragraph  
975 (a) in any year. A subsequent application to establish a charter  
976 school under paragraph (a) may not be submitted unless each  
977 charter school established in this manner achieves high-  
978 performing charter school status. This paragraph does not apply  
979 to charter schools established by a high-performing charter  
980 school in the attendance zone of a public school that earns a  
981 grade of "F" or three consecutive grades of "D" pursuant to s.  
982 1008.34 or to meet capacity needs or needs for innovative school  
983 choice options identified by the district school board.

984 ~~(4) A high-performing charter school may not increase~~  
985 ~~enrollment or expand grade levels following any school year in~~  
986 ~~which it receives a school grade of "C" or below. If the charter~~  
987 ~~school receives a school grade of "C" or below in any 2 years~~  
988 ~~during the term of the charter awarded under subsection (2), the~~

989 ~~term of the charter may be modified by the sponsor and the~~  
 990 ~~charter school loses its high-performing charter school status~~  
 991 ~~until it regains that status under subsection (1).~~

992 (4)~~(5)~~ The Commissioner of Education, upon request by a  
 993 charter school, shall verify that the charter school meets the  
 994 criteria in subsection (1) and provide a letter to the charter  
 995 school and the sponsor stating that the charter school is a  
 996 high-performing charter school pursuant to this section. The  
 997 commissioner shall annually determine whether a high-performing  
 998 charter school under subsection (1) continues to meet the  
 999 criteria in that subsection. Such high-performing charter school  
 1000 shall maintain its high-performing status unless the  
 1001 commissioner determines that the charter school no longer meets  
 1002 the criteria in subsection (1), at which time the commissioner  
 1003 shall send a letter to the charter school and its sponsor  
 1004 providing notification that the charter school has been  
 1005 declassified ~~of its declassification~~ as a high-performing  
 1006 charter school.

1007 Section 3. Section 1002.333, Florida Statutes, is created  
 1008 to read:

1009 1002.333 High Impact Charter Network.—

1010 (1) As used in this section, the term:

1011 (a) "Critical need area" means an area that is served by  
 1012 one or more nonalternative, traditional public schools that  
 1013 received a school grade of "D" or "F" pursuant to s. 1008.34 in  
 1014 4 of the most recent 5 years.

1015 (b) "Entity" means a nonprofit organization with tax  
1016 exempt status under s. 501(c)(3) of the Internal Revenue Code  
1017 that is authorized by law to operate a public charter school.

1018 (2) An entity that successfully operates a system of  
1019 charter schools that primarily serves educationally  
1020 disadvantaged students, as defined in the Elementary and  
1021 Secondary Education Act, 20 U.S.C. s. 1115(b)(2), may apply to  
1022 the state board for status as a High Impact Charter Network. The  
1023 state board shall adopt rules prescribing a process for  
1024 determining whether the entity meets the requirements of this  
1025 subsection by reviewing student demographic, academic, and  
1026 financial performance data. The process shall include a review  
1027 of all schools currently or previously operated by the entity,  
1028 including schoolwide and subgroup performance on all statewide,  
1029 standardized assessments for the most recent 3 years as compared  
1030 to all students at the same grade level, and as compared with  
1031 other schools serving similar demographics of students, and  
1032 school-level financial performance. The review may also include  
1033 performance on nationally norm-referenced assessments, student  
1034 attendance and retention rates, graduation rates, college  
1035 attendance rates, college persistence rates, and other outcome  
1036 measures as determined by the state board.

1037 (3) An entity that is designated as a High Impact Charter  
1038 Network pursuant to this subsection may submit an application  
1039 pursuant to s. 1002.33 to establish and operate charter schools  
1040 in critical need areas. Notwithstanding s. 1013.62(1)(a), a



1041 charter school operated by a High Impact Charter Network in a  
1042 critical need area is eligible to receive charter school capital  
1043 outlay.

1044 (4) The administrative fee provided for in s.  
1045 1002.33(20)(a) shall be waived for a charter school established  
1046 by a High Impact Charter Network in a critical need area as long  
1047 as the network maintains its status as a High Impact Charter  
1048 Network.

1049 (5) The department shall give priority to charter schools  
1050 operated by a High Impact Charter Network in the department's  
1051 Public Charter School Grant Program competitions. Priority shall  
1052 only be provided for new charter schools that will operate in a  
1053 critical need area.

1054 (6) The initial High Impact Charter Network status is  
1055 valid for up to 4 years. If an entity seeks renewal of its  
1056 status, the state board shall review the academic and financial  
1057 performance of the charter schools established in areas of  
1058 critical need pursuant to subsection (2).

1059 (7) For purposes of determining areas of critical need,  
1060 school grades issued for the 2014-2015 school year may not be  
1061 considered.

1062 (8) The State Board of Education shall adopt rules to  
1063 administer this section.

1064 Section 4. Paragraph (a) of subsection (3) and paragraph  
1065 (a) of subsection (8) of section 1002.37, Florida Statutes, are  
1066 amended to read:

1067 1002.37 The Florida Virtual School.—

1068 (3) Funding for the Florida Virtual School shall be  
1069 provided as follows:

1070 (a)1. The calculation of "full-time equivalent student"  
1071 shall be as prescribed in s. 1011.61(1)(c)1.b.(V) and is subject  
1072 to s. 1011.61(4) ~~For a student in grades 9 through 12, a "full-~~  
1073 ~~time equivalent student" is one student who has successfully~~  
1074 ~~completed six full-credit courses that count toward the minimum~~  
1075 ~~number of credits required for high school graduation. A student~~  
1076 ~~who completes fewer than six full-credit courses is a fraction~~  
1077 ~~of a full-time equivalent student. Half-credit course~~  
1078 ~~completions shall be included in determining a full-time~~  
1079 ~~equivalent student.~~

1080 ~~2. For a student in kindergarten through grade 8, a "full-~~  
1081 ~~time equivalent student" is one student who has successfully~~  
1082 ~~completed six courses or the prescribed level of content that~~  
1083 ~~counts toward promotion to the next grade. A student who~~  
1084 ~~completes fewer than six courses or the prescribed level of~~  
1085 ~~content shall be a fraction of a full-time equivalent student.~~

1086 ~~2.3.~~ For a student in a home education program, funding  
1087 shall be provided in accordance with this subsection upon course  
1088 completion if the parent verifies, upon enrollment for each  
1089 course, that the student is registered with the school district  
1090 as a home education student pursuant to s. 1002.41(1)(a).  
1091 ~~Beginning in the 2016-2017 fiscal year, the reported full-time~~  
1092 ~~equivalent students and associated funding of students enrolled~~

1093 ~~in courses requiring passage of an end-of-course assessment~~  
 1094 ~~under s. 1003.4282 to earn a standard high school diploma shall~~  
 1095 ~~be adjusted if the student does not pass the end-of-course~~  
 1096 ~~assessment. However, no adjustment shall be made for home~~  
 1097 ~~education program students who choose not to take an end-of-~~  
 1098 ~~course assessment or for a student who enrolls in a segmented~~  
 1099 ~~remedial course delivered online.~~

1100  
 1101 ~~For purposes of this paragraph, the calculation of "full-time~~  
 1102 ~~equivalent student" shall be as prescribed in s.~~  
 1103 ~~1011.61(1)(c)1.b.(V) and is subject to the requirements in s.~~  
 1104 ~~1011.61(4).~~

1105 (8) (a) The Florida Virtual School may provide full-time  
 1106 and part-time instruction for students in kindergarten through  
 1107 grade 12. ~~To receive part-time instruction in kindergarten~~  
 1108 ~~through grade 5, a student must meet at least one of the~~  
 1109 ~~eligibility criteria in s. 1002.455(2).~~

1110 Section 5. Subsection (5), paragraph (e) of subsection  
 1111 (7), and paragraphs (c) and (d) of subsection (8) of section  
 1112 1002.45, Florida Statutes, are amended to read:

1113 1002.45 Virtual instruction programs.—

1114 (5) STUDENT ELIGIBILITY.—Students in kindergarten through  
 1115 grade 12 ~~A student~~ may enroll in a virtual instruction program  
 1116 provided by the school district or by a virtual charter school  
 1117 operated in the district in which he or she resides ~~if the~~  
 1118 ~~student meets eligibility requirements for virtual instruction~~

1119 ~~pursuant to s. 1002.455.~~

1120 (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL  
1121 FUNDING.—

1122 ~~(c) Beginning in the 2016-2017 fiscal year, the reported~~  
1123 ~~full-time equivalent students and associated funding of students~~  
1124 ~~enrolled in courses requiring passage of an end-of-course~~  
1125 ~~assessment under s. 1003.4282 to earn a standard high school~~  
1126 ~~diploma shall be adjusted if the student does not pass the end-~~  
1127 ~~of-course assessment. However, no adjustment shall be made for a~~  
1128 ~~student who enrolls in a segmented remedial course delivered~~  
1129 ~~online.~~

1130 (8) ASSESSMENT AND ACCOUNTABILITY.—

1131 (c) An approved provider that receives a school grade of  
1132 "D" or "F" under s. 1008.34 or a school improvement rating of  
1133 "Unsatisfactory" ~~"Declining"~~ under s. 1008.341 must file a  
1134 school improvement plan with the department for consultation to  
1135 determine the causes for low performance and to develop a plan  
1136 for correction and improvement.

1137 (d) An approved provider's contract is automatically ~~must~~  
1138 ~~be~~ terminated if the provider earns two consecutive school  
1139 grades of ~~receives a school grade of "D" or "F"~~ under s. 1008.34  
1140 after all school grade appeals are final, receives two  
1141 consecutive ~~or a~~ school improvement ratings ~~rating~~ of  
1142 "unsatisfactory" ~~"Declining"~~ under s. 1008.341, ~~for 2 years~~  
1143 ~~during any consecutive 4-year period~~ or has violated any  
1144 qualification requirement pursuant to subsection (2). A provider

1145 that has a contract terminated under this paragraph may not be  
1146 an approved provider for a period of at least 1 year after the  
1147 date upon which the contract was terminated and until the  
1148 department determines that the provider is in compliance with  
1149 subsection (2) and has corrected each cause of the provider's  
1150 low performance.

1151 Section 6. Section 1002.455, Florida Statutes, is  
1152 repealed.

1153 Section 7. Subsection (3) of section 1003.4295, Florida  
1154 Statutes, is amended to read:

1155 1003.4295 Acceleration options.—

1156 (3) The Credit Acceleration Program (CAP) is created for  
1157 the purpose of allowing a student to earn high school credit in  
1158 courses required for high school graduation through passage of  
1159 an end-of-course assessment Algebra I, Algebra II, geometry,  
1160 United States history, or biology if the student passes the  
1161 statewide, standardized assessment administered under s. 1008.22  
1162 or an Advanced Placement Examination. Notwithstanding s.  
1163 1003.436, a school district shall award course credit to a  
1164 student who is not enrolled in the course, or who has not  
1165 completed the course, if the student attains a passing score on  
1166 the corresponding end-of-course assessment or Advanced Placement  
1167 Examination ~~statewide, standardized assessment~~. The school  
1168 district shall permit a public school or home education student  
1169 who is not enrolled in the course, or who has not completed the  
1170 course, to take the assessment or examination during the regular

1171 administration of the assessment or examination.

1172 Section 8. Subsections (1) and (2) of section 1003.498,  
1173 Florida Statutes, are amended to read:

1174 1003.498 School district virtual course offerings.—

1175 (1) School districts may deliver courses in the  
1176 traditional school setting by personnel certified pursuant to s.  
1177 1012.55 who provide direct instruction through virtual  
1178 instruction or through blended learning courses consisting of  
1179 both traditional classroom and online instructional techniques.  
1180 Students in a blended learning course must be full-time students  
1181 of the school pursuant to s. 1011.61(1)(a)1. ~~and receive the~~  
1182 ~~online instruction in a classroom setting at the school.~~ The  
1183 funding, performance, and accountability requirements for  
1184 blended learning courses are the same as those for traditional  
1185 courses. To facilitate the delivery and coding of blended  
1186 learning courses, the department shall provide identifiers for  
1187 existing courses to designate that they are being used for  
1188 blended learning courses for the purpose of ensuring the  
1189 efficient reporting of such courses. A district may report full-  
1190 time equivalent student membership for credit earned by a  
1191 student who is enrolled in a virtual education course provided  
1192 by the district which is completed after the end of the regular  
1193 school year if the FTE is reported no later than the deadline  
1194 for amending the final student membership report for that year.

1195 (2) School districts may offer virtual courses for  
1196 students enrolled in the school district. These courses must be

1197 identified in the course code directory. ~~Students who meet the~~  
 1198 ~~eligibility requirements of s. 1002.455 may participate in these~~  
 1199 ~~virtual course offerings.~~

1200 (a) Any eligible student who is enrolled in a school  
 1201 district may register and enroll in an online course offered by  
 1202 his or her school district.

1203 (b)1. Any eligible student who is enrolled in a school  
 1204 district may register and enroll in an online course offered by  
 1205 any other school district in the state. The school district in  
 1206 which the student completes the course shall report the  
 1207 student's completion of that course for funding pursuant to s.  
 1208 1011.61(1)(c)1.b.(VI), and the home school district shall not  
 1209 report the student for funding for that course.

1210 2. The full-time equivalent student membership calculated  
 1211 under this subsection is subject to the requirements in s.  
 1212 1011.61(4). The Department of Education shall establish  
 1213 procedures to enable interdistrict coordination for the delivery  
 1214 and funding of this online option.

1215 Section 9. Subsection (1) of section 1011.61, Florida  
 1216 Statutes, is amended to read:

1217 1011.61 Definitions.—Notwithstanding the provisions of s.  
 1218 1000.21, the following terms are defined as follows for the  
 1219 purposes of the Florida Education Finance Program:

1220 (1) A "full-time equivalent student" in each program of  
 1221 the district is defined in terms of full-time students and part-  
 1222 time students as follows:

1223 (a) A "full-time student" is one student on the membership  
 1224 roll of one school program or a combination of school programs  
 1225 listed in s. 1011.62(1)(c) for the school year or the equivalent  
 1226 for:

1227 1. Instruction in a standard school, comprising not less  
 1228 than 900 net hours for a student in or at the grade level of 4  
 1229 through 12, or not less than 720 net hours for a student in or  
 1230 at the grade level of kindergarten through grade 3 or in an  
 1231 authorized prekindergarten exceptional program; or

1232 ~~2. Instruction in a double-session school or a school~~  
 1233 ~~utilizing an experimental school calendar approved by the~~  
 1234 ~~Department of Education, comprising not less than the equivalent~~  
 1235 ~~of 810 net hours in grades 4 through 12 or not less than 630 net~~  
 1236 ~~hours in kindergarten through grade 3; or~~

1237 2. 3. Instruction comprising the appropriate number of net  
 1238 hours set forth in subparagraph 1. ~~or subparagraph 2.~~ for  
 1239 students who, within the past year, have moved with their  
 1240 parents for the purpose of engaging in the farm labor or fish  
 1241 industries, if a plan furnishing such an extended school day or  
 1242 week, or a combination thereof, has been approved by the  
 1243 commissioner. Such plan may be approved to accommodate the needs  
 1244 of migrant students only or may serve all students in schools  
 1245 having a high percentage of migrant students. The plan described  
 1246 in this subparagraph is optional for any school district and is  
 1247 not mandated by the state.

1248 (b) A "part-time student" is a student on the active



1249 membership roll of a school program or combination of school  
1250 programs listed in s. 1011.62(1)(c) who is less than a full-time  
1251 student. A student who receives instruction in a school that  
1252 operates for less than the minimum term shall generate full-time  
1253 equivalent student membership proportional to the amount of  
1254 instructional hours provided by the school divided by the  
1255 minimum term requirement as provided in s. 1011.60(2).

1256 (c)1. A "full-time equivalent student" is:

1257 a. A full-time student in any one of the programs listed  
1258 in s. 1011.62(1)(c); or

1259 b. A combination of full-time or part-time students in any  
1260 one of the programs listed in s. 1011.62(1)(c) which is the  
1261 equivalent of one full-time student based on the following  
1262 calculations:

1263 (I) A full-time student in a combination of programs  
1264 listed in s. 1011.62(1)(c) shall be a fraction of a full-time  
1265 equivalent membership in each special program equal to the  
1266 number of net hours per school year for which he or she is a  
1267 member, divided by the appropriate number of hours set forth in  
1268 subparagraph (a)1. ~~or subparagraph (a)2.~~ The difference between  
1269 that fraction or sum of fractions and the maximum value as set  
1270 forth in subsection (4) for each full-time student is presumed  
1271 to be the balance of the student's time not spent in a special  
1272 program and shall be recorded as time in the appropriate basic  
1273 program.

1274 (II) A prekindergarten student with a disability shall

1275 meet the requirements specified for kindergarten students.  
 1276 (III) A full-time equivalent student for students in  
 1277 kindergarten through grade 12 in a full-time virtual instruction  
 1278 program under s. 1002.45 or a virtual charter school under s.  
 1279 1002.33 shall consist of six full-credit completions or the  
 1280 prescribed level of content that counts toward promotion to the  
 1281 next grade in programs listed in s. 1011.62(1)(c). Credit  
 1282 completions may be a combination of full-credit courses or half-  
 1283 credit courses. ~~Beginning in the 2016-2017 fiscal year, the~~  
 1284 ~~reported full-time equivalent students and associated funding of~~  
 1285 ~~students enrolled in courses requiring passage of an end-of-~~  
 1286 ~~course assessment under s. 1003.4282 to earn a standard high~~  
 1287 ~~school diploma shall be adjusted if the student does not pass~~  
 1288 ~~the end-of-course assessment. However, no adjustment shall be~~  
 1289 ~~made for a student who enrolls in a segmented remedial course~~  
 1290 ~~delivered online.~~  
 1291 (IV) A full-time equivalent student for students in  
 1292 kindergarten through grade 12 in a part-time virtual instruction  
 1293 program under s. 1002.45 shall consist of six full-credit  
 1294 completions in programs listed in s. 1011.62(1)(c)1. and 3.  
 1295 Credit completions may be a combination of full-credit courses  
 1296 or half-credit courses. ~~Beginning in the 2016-2017 fiscal year,~~  
 1297 ~~the reported full-time equivalent students and associated~~  
 1298 ~~funding of students enrolled in courses requiring passage of an~~  
 1299 ~~end-of-course assessment under s. 1003.4282 to earn a standard~~  
 1300 ~~high school diploma shall be adjusted if the student does not~~

1301 ~~pass the end-of-course assessment. However, no adjustment shall~~  
1302 ~~be made for a student who enrolls in a segmented remedial course~~  
1303 ~~delivered online.~~

1304 (V) A Florida Virtual School full-time equivalent student  
1305 shall consist of six full-credit completions or the prescribed  
1306 level of content that counts toward promotion to the next grade  
1307 in the programs listed in s. 1011.62(1)(c)1. and 3. for students  
1308 participating in kindergarten through grade 12 part-time virtual  
1309 instruction and the programs listed in s. 1011.62(1)(c) for  
1310 students participating in kindergarten through grade 12 full-  
1311 time virtual instruction. Credit completions may be a  
1312 combination of full-credit courses or half-credit courses.  
1313 ~~Beginning in the 2016-2017 fiscal year, the reported full-time~~  
1314 ~~equivalent students and associated funding of students enrolled~~  
1315 ~~in courses requiring passage of an end-of-course assessment~~  
1316 ~~under s. 1003.4282 to earn a standard high school diploma shall~~  
1317 ~~be adjusted if the student does not pass the end-of-course~~  
1318 ~~assessment. However, no adjustment shall be made for a student~~  
1319 ~~who enrolls in a segmented remedial course delivered online.~~

1320 (VI) Each successfully completed full-credit course earned  
1321 through an online course delivered by a district other than the  
1322 one in which the student resides shall be calculated as 1/6  
1323 FTE.

1324 (VII) A full-time equivalent student for courses requiring  
1325 passage of a statewide, standardized end-of-course assessment  
1326 under s. 1003.4282 to earn a standard high school diploma shall

1327 be defined and reported based on the number of instructional  
1328 hours as provided in this subsection ~~until the 2016-2017 fiscal~~  
1329 ~~year. Beginning in the 2016-2017 fiscal year, the FTE for the~~  
1330 ~~course shall be assessment-based and shall be equal to 1/6 FTE.~~  
1331 ~~The reported FTE shall be adjusted if the student does not pass~~  
1332 ~~the end-of-course assessment. However, no adjustment shall be~~  
1333 ~~made for a student who enrolls in a segmented remedial course~~  
1334 ~~delivered online.~~

1335 (VIII) For students enrolled in a school district as a  
1336 full-time student, the district may report 1/6 FTE for each  
1337 student who passes a statewide, standardized end-of-course  
1338 assessment without being enrolled in the corresponding course.

1339 2. A student in membership in a program scheduled for more  
1340 or less than 180 school days or the equivalent on an hourly  
1341 basis as specified by rules of the State Board of Education is a  
1342 fraction of a full-time equivalent membership equal to the  
1343 number of instructional hours in membership divided by the  
1344 appropriate number of hours set forth in subparagraph (a)1.;

1345 however, for the purposes of this subparagraph, membership in  
1346 programs scheduled for more than 180 days is limited to students  
1347 enrolled in:

- 1348 a. Juvenile justice education programs.
- 1349 b. The Florida Virtual School.
- 1350 c. Virtual instruction programs and virtual charter  
1351 schools for the purpose of course completion and credit recovery  
1352 pursuant to ss. 1002.45 and 1003.498. Course completion applies

1353 only to a student who is reported during the second or third  
1354 membership surveys and who does not complete a virtual education  
1355 course by the end of the regular school year. The course must be  
1356 completed no later than the deadline for amending the final  
1357 student enrollment survey for that year. Credit recovery applies  
1358 only to a student who has unsuccessfully completed a traditional  
1359 or virtual education course during the regular school year and  
1360 must re-take the course in order to be eligible to graduate with  
1361 the student's class.

1362

1363 The full-time equivalent student enrollment calculated under  
1364 this subsection is subject to the requirements in subsection  
1365 (4).

1366

1367 The department shall determine and implement an equitable method  
1368 of equivalent funding for ~~experimental schools and for~~ schools  
1369 operating under emergency conditions, which schools have been  
1370 approved by the department to operate for less than the minimum  
1371 term as provided in s. 1011.60(2) ~~school day~~.

1372 Section 10. Subsection (11) of section 1011.62, Florida  
1373 Statutes, is amended to read:

1374 1011.62 Funds for operation of schools.—If the annual  
1375 allocation from the Florida Education Finance Program to each  
1376 district for operation of schools is not determined in the  
1377 annual appropriations act or the substantive bill implementing  
1378 the annual appropriations act, it shall be determined as

1379 follows:

1380 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may  
1381 annually provide in the Florida Education Finance Program a  
1382 virtual education contribution. The amount of the virtual  
1383 education contribution shall be the difference between the  
1384 amount per FTE established in the General Appropriations Act for  
1385 virtual education and the amount per FTE for each district and  
1386 the Florida Virtual School, which may be calculated by taking  
1387 the sum of the base FEFP allocation, the discretionary local  
1388 effort, the state-funded discretionary contribution, the  
1389 discretionary millage compression supplement, the research-based  
1390 reading instruction allocation, and the instructional materials  
1391 allocation, and then dividing by the total unweighted FTE. This  
1392 difference shall be multiplied by the virtual education  
1393 unweighted FTE for programs and options identified in ss.  
1394 1002.33(1), 1002.45(1)(b), and 1003.498 ~~s. 1002.455(3)~~ and the  
1395 Florida Virtual School and its franchises to equal the virtual  
1396 education contribution and shall be included as a separate  
1397 allocation in the funding formula.

1398 Section 11. Paragraph (b) of subsection (8) of section  
1399 1012.56, Florida Statutes, is amended to read:

1400 1012.56 Educator certification requirements.—

1401 (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION  
1402 COMPETENCY PROGRAM.—

1403 (b)1. Each school district must and a private school or  
1404 state-supported ~~state-supported~~ public school, including a

1405 charter school, ~~or a private school~~ may develop and maintain a  
 1406 system by which members of the instructional staff may  
 1407 demonstrate mastery of professional preparation and education  
 1408 competence as required by law. Each program must be based on  
 1409 classroom application of the Florida Educator Accomplished  
 1410 Practices and instructional performance and, for public schools,  
 1411 must be aligned with the district's or state-supported public  
 1412 school's evaluation system established ~~approved~~ under s.  
 1413 1012.34, as applicable.

1414 2. The Commissioner of Education shall determine the  
 1415 continued approval of programs implemented under this paragraph,  
 1416 based upon the department's review of performance data. The  
 1417 department shall review the performance data as a part of the  
 1418 periodic review of each school district's professional  
 1419 development system required under s. 1012.98.

1420 Section 12. Paragraph (a) of subsection (1) of section  
 1421 1013.62, Florida Statutes, is amended to read:

1422 1013.62 Charter schools capital outlay funding.—

1423 (1) In each year in which funds are appropriated for  
 1424 charter school capital outlay purposes, the Commissioner of  
 1425 Education shall allocate the funds among eligible charter  
 1426 schools.

1427 (a) To be eligible for a funding allocation, a charter  
 1428 school must:

- 1429 1.a. Have been in operation for 3 or more years;
- 1430 b. Be governed by a governing board established in the

1431 state for 3 or more years which operates both charter schools  
 1432 and conversion charter schools within the state;  
 1433 c. Be an expanded feeder chain of a charter school within  
 1434 the same school district that is currently receiving charter  
 1435 school capital outlay funds;  
 1436 d. Have been accredited by the Commission on Schools of  
 1437 the Southern Association of Colleges and Schools; or  
 1438 e. Serve students in facilities that are provided by a  
 1439 business partner for a charter school-in-the-workplace pursuant  
 1440 to s. 1002.33(15) (b) .  
 1441 2. Have an annual audit that does not reveal any of the  
 1442 financial emergency conditions provided in s. 218.503(1) for the  
 1443 most recent fiscal year for which such audit results are  
 1444 available ~~stability for future operation as a charter school.~~  
 1445 3. Have satisfactory student achievement based on state  
 1446 accountability standards applicable to the charter school.  
 1447 4. Have received final approval from its sponsor pursuant  
 1448 to s. 1002.33 for operation during that fiscal year.  
 1449 5. Serve students in facilities that are not provided by  
 1450 the charter school's sponsor.  
 1451 Section 13. This act shall take effect July 1, 2016.